

EXHIBIT “A”

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF TEXAS

3 WACO DIVISION

4 --o0o--

5 SBI CRYPTO CO., LTD.,)
6 Plaintiff,)
7 vs.) 6:23-cv-252-ADA-JCM
8 WHINSTONE US, INC.,)
9 Defendant.)

10
11 ** Confidential -- Attorneys' Eyes Only **

12
13 VIDEO DEPOSITION OF

14 JONATHAN TANEMORI

15 August 15, 2024

16
17 DEPOSITION OF JONATHAN TANEMORI, produced as
18 a witness, duly sworn by me at the instance of the
19 DEFENDANT, was taken in the above-styled and numbered
20 cause on August 15, 2024, from 9:01 A.M. to 5:16 P.M.,
21 before BRANDON D. COMBS, CSR, RPR, in and for the State
22 of Texas, reported by computerized machine shorthand
23 at:

24 2728 North Harwood Street, Fifth Floor,
25 Dallas, Texas

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Transcript of Jonathan Tanemori

Conducted on August 15, 2024

7

1 Wooding.

09:03:02

2 THE VIDEOGRAPHER: The court reporter
3 today is Brandon Combs, also representing
4 Planet Depos.

09:03:04

09:03:05

09:03:08

5 The witness may now be sworn.

09:03:08

6 JONATHAN TANEMORI,

09:03:11

7 having been first duly sworn, testified as follows:

09:03:11

8 EXAMINATION

09:03:11

9 Q. (BY MR. SLOVAK) Mr. Tanemori, my name is
10 Rob Slovak. We just met this morning. As you know,
11 I represent Whinstone US, Inc. in a lawsuit that
12 SBI Crypto, Limited has filed.

09:03:23

09:03:25

09:03:29

09:03:33

13 Are you aware of that lawsuit?

09:03:35

14 A. Yes, I am.

09:03:36

15 Q. And were you involved in the process of
16 approving that that lawsuit be filed?

09:03:37

09:03:42

17 A. What do you mean by approving?

09:03:47

18 Q. Well, did you have any say in whether the
19 lawsuit was filed or not?

09:03:50

09:03:52

20 A. As an SBI Crypto employee at the time, we
21 had discussed internally but I was not the decision
22 maker.

09:03:57

09:04:01

09:04:04

23 Q. Who was that decision maker?

09:04:05

24 A. That would have been ultimately Carson.

09:04:06

25 Q. Is that Carson Smith?

09:04:09

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1	A. I don't --	16:41:54
2	Q. From this email May 30 of 2021?	16:41:55
3	A. I don't recall if I did or not. If I did,	16:41:58
4	it likely would have been picked up in our data	16:42:04
5	dump.	16:42:07
6	Q. Did you all have conversations with any	16:42:08
7	outside counsel about the issues identified in	16:42:12
8	Exhibit 18 around May 30 of 2021?	16:42:14
9	MR. JOHNSON: Objection. Form.	16:42:20
10	THE WITNESS: Not to my knowledge.	16:42:23
11	Q. (BY MR. SLOVAK) When did SBI engage	16:42:25
12	outside counsel to pursue litigation against	16:42:27
13	Whinstone?	16:42:31
14	A. I do not recall the exact timing. It was	16:42:36
15	sometime most likely in 2021.	16:42:39
16	Q. If you take a look at, in Exhibit 18, at	16:42:44
17	page SBIC76, you'll see there's an item highlighted	16:42:48
18	in red. My understanding from Mr. Smith's email is	16:42:54
19	that he's referring to breaches by SBI, highlighted	16:42:57
20	in red.	16:43:04
21	Do you understand that?	16:43:05
22	A. My understanding is that it was the	16:43:12
23	payment date of October 31, 2019, that if taken at	16:43:15
24	face value would have constituted perhaps a timing	16:43:21
25	delay, or inconsistency. But, again, that was	16:43:26

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1 settled between SBI Crypto and Whinstone.

16:43:31

2 Q. When was that settled?

16:43:36

3 A. If I recall correctly, it was maybe a year
4 later.

16:43:39

16:43:42

5 Q. Section 3.13.1, at SBI 78, he's
6 highlighted in red this provision about the customer
7 shall pay for hosting fee greater than or equal to
8 80 percent of the specified power draw.

16:43:45

16:43:50

16:43:52

16:43:59

9 Do you see that?

16:44:02

10 A. Yes.

16:44:03

11 Q. That's the calculation that you performed
12 in Exhibit 5; right?

16:44:04

16:44:06

13 A. That appears to be so.

16:44:10

14 Q. And was your response or your email in
15 Exhibit 5 from June 20, 2021 -- did Mr. Smith ask
16 you to perform that calculation?

16:44:12

16:44:15

16:44:26

17 MR. JOHNSON: Objection. Form.

16:44:28

18 THE WITNESS: I don't recall how or what
19 drove, originated, this calculation.

16:44:29

16:44:33

20 Q. (BY MR. SLOVAK) Did you and Mr. Smith
21 have any other discussions about this May 31, 2021,
22 exhibit?

16:44:37

16:44:39

16:44:42

23 A. Sorry, between May --

16:44:48

24 Q. Yeah, Exhibit 18. Do you recall having
25 other specific discussions -- or he sends you an

16:44:48

16:44:51

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1 email.

16:44:53

2 A. Right.

16:44:54

3 Q. My question is, did you have discussions
4 about it after the email, if you recall?

16:44:54

16:44:57

5 A. I don't recall anything specific, but it
6 was most likely, because we worked together, that we
7 discussed this verbally.

16:45:00

16:45:06

16:45:09

8 Q. Do you recall, when you discussed it, did
9 you take notes?

16:45:12

16:45:14

10 A. I don't recall. My note taking, as I
11 referenced earlier, was largely confined to external
12 meetings and external parties.

16:45:21

16:45:25

16:45:30

13 Q. And if you take a look at what I'm going
14 to mark as the last exhibit in this case, so we're
15 on 19, I believe.

16:45:31

16:45:34

16:45:37

16 (Whereupon, Exhibit 19 was marked for
17 identification.)

16:45:39

16:45:39

18 Q. (BY MR. SLOVAK) It's an email from you to
19 Carson Smith June 30, 2021, so roughly three days
20 after Mr. Smith's highlighting of the contract and
21 identification of potential claims and breaches
22 between the parties; right?

16:45:54

16:45:56

16:46:01

16:46:06

16:46:09

23 Did Mr. Smith ask you to perform the
24 analysis about Whinstone options that you provide to
25 him on June 3, 2021?

16:46:12

16:46:15

16:46:18

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1 A. I don't recall specifically, but I
2 think -- I don't know. I think this is something
3 that I would have created just in my own volition.

4 Q. Okay. And did you have any discussions
5 with anyone other than Mr. Smith about the substance
6 of what he highlighted in the May 30, 2021, email
7 that's Exhibit 18?

8 A. I don't recall any specifics about this.
9 Or what action was taken after this particular email
10 and this highlighting.

11 Q. And on June 3, 2021, you were -- emailed
12 to Mr. Smith you have attached what looks like a
13 PowerPoint slide?

14 A. Uh-huh.

15 Q. And I only have one slide here. I'm not
16 sure, the native document, do you recall, were there
17 multiple slides or was it just this one?

18 A. I don't recall, but most likely just one
19 slide.

20 Q. So up at the top there's a lost revenue,
21 approximately 331 Bitcoin, 2.7 a month, with Bitcoin
22 at 48,000, \$16.6 million.

23 Did you perform that calculation?

24 A. I most probably did but I don't recall
25 correctly. These were just back of the envelope

16:46:24

16:46:26

16:46:29

16:46:35

16:46:39

16:46:45

16:46:50

16:46:55

16:46:59

16:47:05

16:47:08

16:47:16

16:47:21

16:47:26

16:47:26

16:47:29

16:47:33

16:47:37

16:47:43

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16:47:47

16:47:56

16:47:59

16:48:04

16:48:08

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CERTIFICATE OF REPORTER

I, BRANDON D. COMBS, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript was requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: August 29, 2024



BRANDON D. COMBS

RPR, Texas CSR 10927, California CSR 12978